

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED
COURT

2005 DEC 22 P 2: 54

ROBERT L. McCRAY
PLAINTIFF,

Vs.

**PRISON HEALTH SERVICES, et al.,
DEFENDANTS.**

))))))))

EDNA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

)CIVIL ACTION NO:2:05-CV-887-F

AMENDMENT TO THE COMPLAINT

Come Now, Robert L. McCray, plaintiff (pro-se) and enters this response to this Honorable Court's **ORDER** of 8th. December 2005 to file an Amendment to the Complaint.

(1) (COURT) How long have you been housed at Staton Correctional Facility:

(Issue 1.) The Plaintiff has been incarcerated at Staton Correctional Facility continually since June, of 2004.

(2) **(COURT)** Where were you incarcerated prior to your transfer to Staton Correctional Facility and how long were you at that facility;

(Issue 2.) Prior, Bibb County Correctional Facility 2001, till June 2004, Donalson Correctional Facility, September 1992 through June 2004;

(3) **(COURT)** With regard to **Defendant Robbins, Williams, Pleasant, Bhuts, Beatrous, and McClain**, State whether these individuals are prison or free-world physicians and provide an address where each of these individuals may be served;

(Issue 3.) Dr. Mike Robbins (PHS) Kilby Corr; **Dr. Williams** (PHS), Tutwiler Corr; **Dr. Pleasant** (PHS) Staton Corr; **Dr. D.P. Bhuta** (Free World) 345 Saint Lucke's Drive, Montgomery, Alabama. 36117, **Dr. Thomas E. Beatrous** (Free World) Cancer Care Center 300 Lucke's Drive Montgomery, Alabama 36117; **Dr. Donald A. Urban** (Free World) FOT 1105 3rd. Avenue So. Birmingham, Alabama 35294-3411; **Dr. McClain** (PHS) Kilby Correctional Facility 12201 Wares Ferry Road, Montgomery, Al. 36116, **Dr. Pleasant** (Staton Corr Facility, HCU Dept. P.O.Box 56, Elmore, Al. 36025-0056.

(4) **(court)** State the date when first became aware of and/or were advised that you had prostate cancer;

(Issue 4.) JANUARY, 2003

(5) **(COURT)** On what date did Dr. Bhuta perform an unanesthetized biopsy;

(Issue 5.) AUGUST 31, 2004

(6) **(COURT)** On what date did you receive an "initial bone scan [which] showed no spread of the Prostate Cancer" and yet "P.H.S., for actual reasons best known to itself,..began aggressive overt activation of a concert action to deny plaintiff timely treatment in a life threatening situation." (Complaint, pg. 12);

(Issue 6.) 1/14/03 Verbally informed initial bone scan was good void of evidence of any spread of prostrate cancer. Plaintiff will show of record that as early as 2/7/03, he had decided for prostrate implant instead of eight (8) weeks of radiation exposure recommended by Dr. Bhuta. On his referral to Dr. Beatrous shows both specialists unreasonably ignored plaintiff's election of the approved viable option of seeding implant involving a single treatment instead of the two months 40 individual radiation treatments proposed initially by Dr. Bhuta and his subsequent specialist referrals. **Notwithstanding, H.C.U. approval for the implant at U.A.B. Birmingham.** Concert activity begun in earnest purpose to frustrate plaintiff's will to resist defendants design for unnecessary excessive radiation. **Plaintiff's subsequent to the dreadful unanesthetized biopsi experience was distrustful of the primary attending physicians and contacted the Veterans Administration authorizing release of Plaintiff's prison**

medical records to which agency and a second-opinion request.

The Veterans Administration provided plaintiff a copy of the medical information received. At a hearing in this pleadings plaintiff will be able to show that the radiation seeding election has been approved for two years or more, but instead of timely providing urgent approved medical treatment, defendants allowed their respective good offices, to a more or lessser degree, engage in activity of design to deny plaintiff approved medical treatment. That over the period of the preceeding two years, (Bibb Corr and Staton Corr.), plaintiff has been regularly transported back and forth to no purpose and without even an appointment nor receipt of any treatment, and always with the suggestion that plaintiff should consent to undergo the 40 radiation treatment option, instead of the improved implant. Harassment was in full bloom: dye injection x-ray at KilbyFacility; inhouse (Staton) three (3) individual extensive x-rays of back and chest, supposedly on order of doctor (always unnamed), were done subsequent to three (3) individual bone scans at different locations over a period of a few months, several unannounced, unscheduled visits to Dr. Bhuta's office, who seemed surprised that the plaintiff had not been taken to Birmingham U.A.B. for the approved

seeding. The last of several futile transports to Dr. Bhuta's office (2/1/05), Officers Booker and Bardoff, transporting Officers (Staton), as the physician perused the accompanying medical record exploded in disbelief to discover that all of his directives entries had been excised, not one remained. Dr. Bhuta forthwith entered in the medical record (Officer's Booker and Bardoff witnessing), that H.C.U. was not to bring plaintiff again to his office in the cancer matter and to transport plaintiff **A.S.A.P.** to Birmingham for the seeding implant.

Additionally he informed Dr. Mike Robbins (2/1/05)

"Please make arrangement for him to go to U.A.B. for radioactive seed implant".

Upon our immediate return to Staton, Officer gave nurse Lessner the Specialist's directive and made mention to her. Dr. Bhuta had also provided plaintiff a copy of it.

Nurse Lessner became enraged and tersely informed plaintiff that an additional biopsy would have to be performed before they would send plaintiff to U.A.B.. Plaintiff reminded nurse Lessner that the urologist made no such advance condition of plaintiff having to be subjected to an additional biopsy and **"why"** was then the

first mention of it.

Strangely at once commenced a hustle bustle activity to locate certain particulars of plaintiff's medical records. Administrator Mr. Bee, nurse Lassiner and another person searched for more than an hour to locate plaintiff's active cancer medical file. Mr. Bee assured plaintiff that they would get him out to U.A.B Birmingham immediately. It never

happened!!! In the year preceeding, Dr. Williams transfer to Tutwiler, he neveer once addressed plaintiff's medical difficulties, but knowingly allowed H.C.U's nursing personnel to dictate whom he see or not see. Resulting that plaintiff of record supposed effected with cancer and otherwise chronic care of record, was never seen by Dr. Williams but once during the course of a year and even routinely unrelated to the cancer matter of five minute duration. H.C.U.'S next response , overtly contrary to the urologist's final directive was to transport plaintiff unannounced without appointment to the office of Dr. Shashy (urologist) of Montgomery, Alabama and per-usual without the the appropriate paperwork. Dr. Shashy's reaction was of amazement that they would send plaintiff without

appropriate paper work and without plaintiff's consent.

Dr. Shashy voiced that he appreciated the referral but he

does not do buisness that way, that it was a waste of everybody's time without the consent of the person to be biopsied.

(7) **(COURT)** When in 2003 were you formally approved for radiation implants;

(Issue 7.) 2/7/03

(8) **(COURT)** State the time period during which you took the medication "Vasitex;"

(Issue 8.) June and July 2005

Affidavit

I Robert L. McCray do hereby aver that the foregoing information contained within and above is true and correct to the best of my knowledge and I do hereby state under the penalty of perjury that I am the Plaintiff in the above listed complaint and action.

Done this the 19 day of December 2005.

Robert L. McCray (L.S.)
Robert L. McCray

{In and for the State of }
{Alabama, County of Elmore}

I, the undersigned authority, a Norary Public, hereby
certify that the above person known to me or has proven to
me on a basis of satistactory evidence to be the person
whose name is subscribed above, has duly sworn and executed
said instrument in my presence.

IN WITNESS WHEREFORE, I have hereunto set my
hand and affixed my official seal this the,

19th day of December 2005

SEAL

Robert L. McCray (L.S.)
Robert L. McCray (pro-se)

Jules Pearson
NOTARY PUBLIC

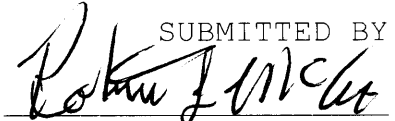
1-22-08
MY COMMISSION EXPIRES:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed to the below listed parties by placing the same in a pre-paid postage and properly addressed envelope and depositing the same in the U.S.Mail on this the 19th day of December 2005.

SERVICE TO: Clerk of the United States District Court
For the Middle District of Alabama
(Northern Division)
P.O.Box #711
Montgomery, Al. 36101-0711

Mr. Troy King
c/o
Office of the Attorney General
11 South Union Street
Montgomery, Al. 36130

SUBMITTED BY

Robert L. McCray
A.I.S. #167644/G-5-27B
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